

REMARKS/ARGUMENTS

Claims 1-21 have been examined. Claims 1, 3-6, 8, and 9, have been amended, claims 2, and 14-21 have been canceled and claims 22-26 have been added. Hence claims 1, 3-13, and 22-26 are now pending. Reconsideration of the subject application as amended is respectfully requested.

Claim 1 has been objected to for informalities.

Claims 2 and 8 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 5-13 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelman et al., U. S. Patent No. 6,415,329.

Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelman et al. in view of the article by Weaver entitled, "Xpress Transport Protocol Version 4" (IEEE, October 1995).

Claims 14-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelman et al. in view of Sridhar et al., U. S. Pat. No. 6,324,582.

Applicant respectfully traverses the rejection of claims 2 and 14-21, however, to expedite prosecution has canceled claims 2 and 14-21 for prosecution in a Continuation or other related application.

INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith a Supplemental Information Disclosure Statement disclosing, *inter alia*, the full article of Tim Strayer entitled, "A Brief Introduction to the Express Transport Protocol."

CLAIM OBJECTIONS AND CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claim 1 has been objected to for informalities. Applicants have amended claim 1 to respond to the Examiner's objection. Claims 2 and 8 were rejected under 35 U.S.C. § 112,

second paragraph, as allegedly indefinite. Claim 8 has been amended to overcome the rejection. Claim 2 has been canceled for reasons different than the subject rejection, but which nonetheless render the rejection moot.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Independent claim 1, as amended, provides a communication apparatus for transmitting packetized information. The apparatus includes, *inter alia*, a processor which is operably disposed to intercept a connection with a server, and establish a connection between a first gateway and a second gateway over a third telecommunications link. The processor is disposed to convert a flow of information, received from the client, from a first transport layer protocol to a second transport layer protocol prior to transmission over the third telecommunications link. The processor is further disposed to convert a return flow of information from the second transport layer protocol to the first transport layer protocol prior to transmission to the client. Converting of the flow and return flow of information occurs transparently to both the client and the server. The apparatus as claimed in amended independent claim 1 is not disclosed, taught or suggested by the cited art Gelman.

The seven layer OSI model for telecommunications uses the following layers, from lowest to highest, a physical layer, datalink or "link" layer, network layer, transport layer, session layer, application and presentation layer. Gelman clearly uses a wireless link protocol at the link layer for communication between the Gelman gateways. In contrast, and as noted above, Applicants' claim 1 requires a transport layer protocol for communication between the first and second gateways. Thus, Gelman and Applicants use protocols at two different layers in the OSI model. In fact, Gelman teaches away from using a transport layer protocol by specifically requiring a link layer protocol conversion (see, Gelman, Col. 20, lines 44-45 and 60-65; and Col. 21, lines 17-24).

This difference is also apparent in the figures. Applicants' "satellite protocol" in Fig. 2 is a transport layer protocol operating at the same layer as TCP, and over the IP layer. In contrast, Gelman teaches a link layer protocol (called wireless link protocol or WLP) operating

at the link layer, which runs below the IP layer (See Gelman, Figs. 3-6). Thus, Gelman does not teach, *inter alia*, converting a flow of information between first and second transport protocols. For at least these reasons, independent claim 1 is allowable over the cited art. Claims 3-8 depend from independent claim 1 and are allowable for at least depending from an allowable independent claim.

Independent claim 9, as amended, provides a communication apparatus comprising, *inter alia*, a processor operably disposed to intercept a first communication connection, form a second communication connection between two gateways, transmit information describing the first connection to the second gateway, and form a third communication connection between the second gateway and the destination server using information describing the first connection. The first, second and third communication connections define a 1:1:1 connection relationship. In contrast to amended claim 9, Gelman provides, "[a] WLP session may be associated with many TCP connections simultaneously." (See Gelman, col. 21, lines 35-37.) Thus, for at least this reason, independent claim 9 is allowable over the cited art. Claims 10-13 and added claim 22 all depend from independent claim 9 and are similarly allowable.

For at least some of the reasons previously discussed, added independent claim 23 and dependent claims 24-26 thereto are allowable over the cited art. In particular, claim 23 provides a communication apparatus which includes, *inter alia*, a processor operably disposed to intercept a connection attempt initiated by a client in a first transport layer protocol, establish a transport connection between a first and second gateway, and form a communication connection between the second gateway and the destination server, wherein the bi-directional flow of information between the two gateways is in a second transport layer protocol. As previously noted, Gelman does not disclose, teach or suggest transport layer protocol conversions, instead operating in a completely different layer of the OSI model. Thus, for at least these reasons, independent claim 23 is allowable over the cited art. Claims 24-26 are allowable for at least depending from independent claim 23, for the reasons discussed in conjunction with claim 9, and for the additional novel features contained therein.

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Reply to Office Action of April 23, 2003

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger Barrett", written over a horizontal line.

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